

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

WELLS FARGO BANK, N.A., AS
TRUSTEE, ON BEHALF OF THE
HOLDERS OF THE HARBORVIEW
MORTGAGE LOAN TRUST MORTGAGE
LOAN PASS-THROUGH CERTIFICATES,
SERIES 2006-12.

Plaintiff.

vs.

FIDELITY NATIONAL TITLE GROUP,
INC.; FIDELITY NATIONAL TITLE
INSURANCE COMPANY; DOE
INDIVIDUALS I through X; and ROE
CORPORATIONS XI through XX, inclusive.

Defendants.

Case No.: 2:20-cv-02254-ART-BNW

**ORDER APPROVING
STIPULATION TO
CONTINUE STAY OF CASE**

Plaintiff, Wells Fargo Bank, N.A., as Trustee, on behalf of the Holders of the Harborview Mortgage Loan Trust Mortgage Loan Pass-Through Certificates, Series 2006-12 (“Wells Fargo”) and Defendants Fidelity National Title Group, Inc. and Fidelity National Title Insurance Company (“Defendants”, and with Plaintiff, the “Parties”), by and through their undersigned counsel, hereby stipulate as follows:

This matter involves a title insurance coverage dispute wherein Wells Fargo contends, and Defendants dispute, that the title insurance claim involving an HOA assessment lien and

1 subsequent sale was covered by the subject policy of title insurance. There are now currently
 2 pending in the United States District Court for the District of Nevada and Nevada state courts
 3 more than one-hundred actions between national banks, on the one hand, and title insurers, on the
 4 other hand. In virtually all of these actions, the title insurer underwrote an ALTA 1992 or ALTA
 5 2006 loan policy of title insurance with form 1 coverage, along with the CLTA 100/ALTA 9
 6 and/or CLTA 115.2/ALTA 5 Endorsements.

7 The Parties stipulated to a limited six-month stay of the case, which was granted on July
 8 19, 2022 [ECF No. 28]. The limited stay expires on January 19, 2023 [ECF No. 28]. The Parties
 9 have conferred and believe another limited six-month stay is warranted. There are now two fully
 10 briefed appeals to the Nevada Supreme Court involving similar coverage disputes in *PennyMac*
 11 *Corp. v. Westcor Land Title Ins. Co.*, Nevada Supreme Court Case No. 83737 (“*PennyMac*”) and
 12 *Deutsche Bank Nat'l Trust Co. v. Fidelity Nat'l Title Ins. Co.*, Nevada Supreme Court Case No.
 13 84161 (“*Deutsche Bank*”). Both *PennyMac* and *Deutsche Bank* are fully briefed, but oral
 14 argument has not been set. The Parties anticipate that the Nevada Supreme Court’s decisions in
 15 the foregoing appeals may touch upon issues regarding the interpretation of policy and claims
 16 handling, that could potentially affect the disposition of the instant action.

17 Accordingly, the Parties believe an additional stay of six months in the instant action will
 18 best serve the interests of judicial economy. The Parties request that the action be stayed for an
 19 additional six months, through and including, July 19, 2023. The Parties are to submit a Joint
 20 Status Report on or before July 19, 2023. The Parties further agree that this stipulation and stay
 21 of this case is entered based on the specific circumstances surrounding this particular case, and
 22 that this stipulation shall not be viewed as a reason for granting a stay in any other pending matter.

23 **NOW THEREFORE**, the Parties, by and through their undersigned counsel, hereby
 24 stipulate and agree as follows:

25 1. In the interests of judicial economy and in efforts to preserve the Parties’ resources,
 26 the Parties request that this action be **STAYED FOR AN ADDITIONAL SIX (6)**
 27 **MONTHS**, through and including, July 19, 2023.

28 2. All deadlines currently set in this case shall remain **VACATED**.

1 3. The Parties are to submit a Joint Status Report on or before July 19, 2023.
2 4. The stay will not impact subpoenas duces tecum and deposition subpoenas to third
3 parties, and the Parties may enforce subpoenas that the Parties propounded to third
4 parties during the stay.
5 5. By entering into this Stipulation, none of the Parties is waiving its right to
6 subsequently move the Court for an order lifting the stay in this action.

7 **IT IS SO STIPULATED.**

8 DATED this 11th day of January, 2023.

9 WRIGHT, FINLAY & ZAK, LLP

10 /s/ Lindsay D. Dragon
11 Lindsay D. Dragon, Esq.
12 Nevada Bar No. 13474
13 7785 W. Sahara Ave., Suite 200
14 Las Vegas, NV 89117
15 *Attorney for Plaintiff, Wells Fargo Bank,
16 N.A., as Trustee, on behalf of the Holders of
17 the Harborview Mortgage Loan Trust
18 Mortgage Loan Pass-Through Certificates,
19 Series 2006-12*

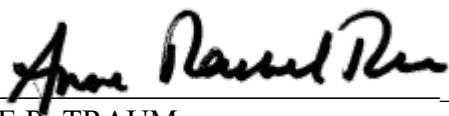
20 DATED this 11th day of January, 2023.

21 SINCLAIR BRAUN LLP

22 /s/ Kevin S. Sinclair
23 Kevin S. Sinclair, Esq.
24 Nevada Bar No. 12277
25 16501 Ventura Boulevard, Suite 400
26 Encino, California 91436
27 *Attorney for Defendants, Fidelity National
28 Title Group, Inc. and Fidelity National Title
 Insurance Company*

18 **IT IS SO ORDERED.**

19 Dated this 17th day of January, 2023.

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21 _____
22 ANNE R. TRAUM
23 UNITED STATES DISTRICT COURT JUDGE
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